

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW MEXICO

**MOTION FOR ENTRY OF FINAL ORDER OF FORFEITURE
REGARDING CERTAIN DANA JARVIS ASSETS**

The United States moves this court to enter a Final Order of Forfeiture regarding the following Dana Jarvis assets or proceeds from the sale thereof:

- a. All United States currency, funds, or other monetary instruments credited to account number 40455157, in the name of Dana Jarvis, located at Bank One, or its successor in interest;
- b. All United States currency, funds, or other monetary instruments credited to account number 689832822, in the name of Dana Jarvis, located at Bank One, or its successor in interest;
- c. All United States currency, funds, or other monetary instruments credited to account number 1874527, in the name of Dana Jarvis, located at First State Bank, or its successor in interest;
- d. All United States currency, funds, or other monetary instruments credited to account number 1223801, in the name of Dana Jarvis, located at First State Bank, or its successor in interest;
- e. 3523 Central Avenue NE, Albuquerque, New Mexico, which is more particularly described as follows:
LOTS NUMBERED TEN (10), ELEVEN (11) AND TWELVE (12) IN BLOCK NUMBERED FOUR (4) OF MONTE VISTA, AN ADDITION TO THE CITY OF ALBUQUERQUE, NEW MEXICO, AS THE SAME ARE SHOWN AND DESIGNATED ON THE MAP OF SAID ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, OCTOBER 14, 1926,

THERE IS EXCEPTED THE NORTHERLY PORTION OF SAID LOT THEN (10)
WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT TEN (10) RUNNING,

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF NORTH CARLISLE
AVENUE, 62.28 FEET TO THE SOUTHEAST CORNER OF THE TRACT HEREIN
DESCRIBED; THENCE WESTERLY, PARALLEL WITH AND 60 FEET NORTHERLY
AT RIGHT ANGLES FROM THE NORTHERLY LINE OF EAST CENTRAL AVENUE,
80.19 FEET TO THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;
THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 10, 86.09
FEET TO THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED
WHICH IS THE NORTHWEST CORNER OF SAID LOT 10, THENCE EASTERLY
ALONG THE SOUTHERLY LINE OF CAMPUS BOULEVARD, 86.97 FEET TO THE
PLACE OF BEGINNING;

- f. 67 Willow (a/k/a 28 Quail Run), Santa Fe, New Mexico, which is more particularly described as follows:
SE 1/4 SE 1/4 NE 1/4 SW 1/4 OF SECTION 31, TOWNSHIP 15 NORTH, RANGE 9
EAST, N.M.P.M., SANTA FE COUNTY, NEW MEXICO;
- g. 1972 Cessna 421B Aircraft, United States Registration Number N3AJ,
Serial Number 421B0230;
- h. New Mexico Liquor License No. 2599, in the name of Club Rhythm and
Blues located at 3523 Central NE, Albuquerque, New Mexico.

The only Dana Jarvis asset for which the United States does not seek final order of forfeiture at this time is the following real property:

1440 Calle Cielo Vista, Bernalillo, New Mexico, which is more particularly described as follows:

TRACT LETTERED "C", OF THE SCHLAKS ADDITION, AS THE SAME IS SHOWN
AND DESIGNATED ON THE PLAT ENTITLED "TRACTS A THROUGH D, SCHLAKS
ADDITION, SANDOVAL COUNTY, NEW MEXICO," FILED IN THE OFFICE OF THE
COUNTY CLERKS OF SANDOVAL COUNTY, NEW MEXICO ON JULY 17, 1978,
IN PLAT BOOK 2, FOLIO 237-B;

This property is the subject of an unresolved state foreclosure action.

As grounds for this motion plaintiff states as follows:

1. On December 19, 2008, this Court entered a Preliminary Order of Forfeiture

forfeiting the right, title and interest of Dana Jarvis assets. Pursuant to Fed.R.Crim.P. 32.2(b)(3), the preliminary order became final as to Defendant Dana Jarvis at his sentencing on April 3, 2009.

2. Pursuant to the Preliminary Order of Forfeiture, the United States duly published a notice of criminal forfeiture on an official government internet site at www.forfeiture.gov for at least 30 consecutive days, from January 6, 2009 through February 4, 2009 with respect to the above Dana Jarvis assets.

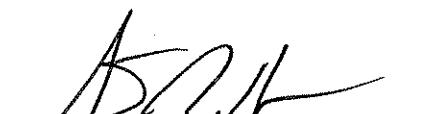
3. Pursuant to the Preliminary Order, the United States seized the above Dana Jarvis assets.

4. No further Third Party Claims for adjudication were filed pursuant to 21 U.S.C. §853(n). Therefore, the entry of a final order of forfeiture regarding the above property is proper.

WHEREFORE, the United States respectfully requests that this Court enter a Final Order of Forfeiture Regarding the Dana Jarvis assets described above, which forfeits all right, title and interest in the above property or proceeds from the sale thereof, to the United States and vests title thereto in the United States.

Respectfully submitted,

GREGORY J. FOURATT
United States Attorney



STEPHEN R. KOTZ
Assistant U.S. Attorney
P.O. Box 607
Albuquerque, New Mexico 87103
(505) 346-7274